

AMENDMENTS TO THE DRAWINGS

The attached drawing sheet includes changes to Figure 1a. This sheet, which includes Figures 1a and 1b, replaces the previously filed drawing sheet. In Figure 1a, the reference character “11” has been removed. No new matter has been added.

Attachment: One (1) replacement sheet

REMARKS

I. Introduction

Claims 18 to 35 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that the present application is in condition for immediate allowance, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority. However, it is noted that the Office Action Summary does not clearly indicate whether or not a copy of a certified copy of the priority document has been received. Both the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)," dated January 13, 2005, and the "Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495," dated March 3, 2005, indicate receipt of the priority document. Clarification is nevertheless respectfully requested.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper and cited references.

II. Objection to Drawings and Claims

As regard the objection to the drawings, the Examiner will note that Figure 1a has been amended herein without prejudice to delete the reference character "11." No new matter has been added. In view of the foregoing, withdrawal of this objection is respectfully requested.

III. Rejection Under 35 U.S.C. § 102(b)

Claims 18 to 35 were rejected under 35 U.S.C. § 102(b) as anticipated by Tomoyasu et al. (U.S. Patent No. 5,888,907). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons.

To anticipate a claim, the reference must disclose each and every element of the claimed invention. *Verdergaal Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987). Applicants respectfully submit that Tomoyasu et al. do not disclose, or even suggest, all of the features recited in claims 18 to 35.

Claims 18 and 31 feature, *inter alia*, a reaction region for generating a plasma having reactive species by an action of an alternating field on an etching gas and a passivation gas. The reaction region has at least one first zone for the etching gas and at least

one second zone for the passivation gas. Downstream from the reaction region, a mixing region is provided to blend the reactive species generated in the first zone from the etching gas and the reactive species generated in the second zone from the passivation gas with one another before they act on a substrate.

Tomoyasu et al. fail to describe or suggest that any work is done with a passivation gas. Instead, Tomoyasu et al. describe work with an “inactive gas” and a “reactive gas.” *See* Abstract. A passivation gas and an “inactive gas” are not the same thing. A passivation gas is provided for the passivation of substrate particles, *i.e.*, it supplies material for masking the substrate particles. *See, e.g.*, Substitute Specification, page 8, lines 10 to 21; and page 8, line 31 to page 9, line 3. In contrast to a passivation gas, no layer is deposited by an inactive gas. For example, the inactive gas described in Tomoyasu et al., argon, is incapable of providing for the deposition of a passivation layer. *See* column 6, lines 32 to 46. Moreover, the inactive gas in Tomoyasu et al. is not provided for the deposition of a passivation layer. Instead, the inactive gas is provided to initiate the plasma and to continue to keep it uniform. *See* column 7, lines 61 to 67. Tomoyasu et al. also fail to disclose or suggest the introduction of two gases into a reaction region having a first zone and a second zone and a reactive species, *i.e.*, an etching gas species or a passivation gas species, being produced in both zones with the aid of a plasma generated therein. For the foregoing reasons, Tomoyasu et al. fail to disclose all of the features of independent claims 18 and 31.

As for dependent claims 19 30 and 32 to 35, it is respectfully submitted that Tomoyasu et al. do not anticipate these dependent claims for at least the same reasons more fully set forth above.

Accordingly, Applicants respectfully submit that this rejection should be withdrawn.

IV. Conclusion

In light of the foregoing, Applicants respectfully submit that all pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

Dated: *August 15, 2006* By:

Gerard A. Messina
Gerard A. Messina
Reg. No. 35,952
P.W. 42, 197

KENYON & KENYON LLP
One Broadway
New York, NY 10004
Telephone: (212) 425-7200
Facsimile: (212) 425-5288
CUSTOMER NO. 26646